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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,340	03/23/2001	Bert Vogelstein	01107.00074	4414

22907 7590 06/14/2006

BANNER & WITCOFF
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SUITE 1100
WASHINGTON, DC 20001

EXAMINER

CANELLA, KAREN A

ART UNIT	PAPER NUMBER
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1643

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/815340

EXAMINER

CANELLA

ART UNIT	PAPER
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1643

20060607

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

In re application of Vogelstein et al.
Serial No. : 09/815340
Filed: March 23, 2001

DECISION ON PETITION


This is in response to applicants' petition, filed on 5/30/06 under 37 CFR 1.84(a), to accept color photographs.

Due to the fact that the 312 amendment filed 5/30/06 which attempted to update the specification to add a requirement of 37 C.F.R 1.84(a) has been denied entry (see attached form). Applicant has not fulfilled all requirements of 37 CFR 1.84(a).

Applicants' petition is DISMISSED.

It is noted that at a future date a renewed petition, no fee required, may be submitted.

Larry R. Helms
Supervisory Patent Examiner
Art Unit 1643


LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/815,340	VOGELSTEIN ET AL.	
	Examiner	Art Unit	
	Karen A. Canella	1643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 30 May 2006 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.


c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

The amendment to the specification by the submission of new drawings enters new matter into the specification. Figures 6, A, B and C have been altered from the originally filed Figure 6. New Figure 6 A has incorporated an additional two lanes on the gel and in addition, the labeling on the figure states "1X" and "4X". There is no support in the originally filed specification for such "1X" and "4X". Figure 6B and 6C have added molecular weigh markers which werer not in the originally filed drawing or supported by the originally filed specification.


KAREN A. CANELLA PH.D
PRIMARY EXAMINER


LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER